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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/862,597	05/23/2001	Masahiro Kobayashi	109594	8404

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EXAMINER

KOBERT, RUSSELL MARC

ART UNIT

PAPER NUMBER

2829

DATE MAILED: 07/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/862,597

Applicant(s)

KOBAYASHI ET AL.

Examiner

Russell M Kobert

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 4 and 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. Applicant's election with traverse of Group I, Species 1, claims 1-3 and 6-7, in Paper No. 9 is acknowledged. The traversal is on the ground(s) that claim 4 is drawn to Figure 1, and that the method recited in claim 4 necessarily uses the product recited in claim 3 and that claim 3 recites a product that must be used in the method recited in claim 4 (see original election, paper No. 7). Applicant further states that the subject matter of all claims is sufficiently related that a thorough search for the subject matter of any one group of claims would encompass a search for the subject matter of the remaining claims and that the search and examination can be made without serious burden. This is not found persuasive because Applicants have not shown that the groups are not patentably distinct. Admission on the record by Applicants that the groups are not patentably distinct will result in rejoinder. Applicants appear to be arguing that same subclass of classification means same invention. If such were carried to its logical conclusion there could only be one patent per subclass and Applicants could be denied a patent on the basis that there is already at least one patent in Class 318, Subclass 661. With regard to the "no burden" argument, it is noted that each distinct invention beyond one is a burden in that it draws the attention of the Examiner to its own requirements. Examination requires focus to follow search leads and patterns of logic in formulating applications of the prior art to that which is claimed. When the Examiner has to pursue several search patterns of logic simultaneously or serially, added burden is presented. In order to examine several inventions and/or species simultaneously or serially, added effort beyond that necessary for one invention or species must be expended. Where the effort is serial and the jobs are different the

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added burden is obvious. Digging two equal holes of the same size requires twice the effort of digging one hole. Such is an obvious conclusion. It can be argued that some inventions or species can be examined simultaneously but such is true only if they are not patentably distinct, that is, if that which applies to any one applies to all others. Where inventions or species are patentably distinct each requires separate consideration. As a for instance, consider a properly restrictable apparatus and method of use of that apparatus where one has details without correspondence in the other. Finding references anticipating or making obvious one does not necessarily render the other unpatentable. Having to examine the other constitutes a burden. If the apparatus and method of the above example are not patentably distinct no burden is presented in examining both since if one falls the other falls as well. As a second for instance, consider a properly restrictable combination and subcombination where all the details of the subcombination are not necessary for the combination. Finding references anticipating or making obvious one does not necessarily render the other unpatentable. Having to examine the other is a burden. If the combination and subcombination of the above example are not patentably distinct no burden is presented in examining both since if one falls the other falls as well. Admission on the record that the groups are not patentably distinct will result in rejoinder.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 4 and 5 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Invention and/or Species, there being no

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allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 9.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the excitation winding and the output winding being wound around the identical pole of the stator as described in claims 2 and 6, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 3, 6 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Philipps (5051847).

Philipps anticipates a resolver (see Figure 2) comprising a rotor, a stator (col 2, ln 8-10), an excitation winding (2) and an output winding (3), characterized in that an

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output terminal (12) is provided at a middle point between opposite end terminals of the output winding; as recited in claim 1.

Philipps anticipates a resolver (see Figure 2) comprising a rotor, a stator (col 2, ln 8-10), an excitation winding (2) and an output winding (3), the excitation winding and the output winding being wound around the identical pole (the only dashed vertical line shown in rotary transformer 11) of the stator, characterized in that an output terminal (12) is provided at a middle point between opposite end terminals of the output winding; as recited in claim 2.

Philipps anticipates a resolver fault detection circuit (see Figure 2) to be used for a resolver comprising a rotor, a stator (col 2, ln 8-10), an excitation winding (2) and an output winding (3), characterized in that the circuit comprises: an output terminal (12) provided at a middle point between opposite end terminals of the output winding; a difference voltage detection circuit (11) for obtaining a difference voltage between a first output voltage, between one of the opposite end terminals of the output winding of the resolver and the middle point, and a second output voltage, between the other one of the opposite end terminals of the output winding and the middle point; and a comparator circuit (as described from col 2, ln 61 – col 3, ln 55) for outputting a signal (output of monostable multivibrator 24) as a fault signal (wherein the Fault is no video signal) when an output voltage from the difference voltage detection circuit deviates from a reference value.

As to claim 6, the excitation winding and the output winding being wound around the identical pole (the only dashed vertical line shown in rotary transformer 1) of the stator is anticipated.

As to claim 7, a difference voltage detection circuit (11) for obtaining a difference voltage between a first output voltage, between one of the opposite end terminals of the output winding of the resolver and the middle point, and a second output voltage, between the other one of the opposite end terminals of the output winding and the middle point; and a comparator circuit (as described from col 2, ln 61 – col 3, ln 55) for outputting a signal (output of monostable multivibrator 24) as a fault signal (wherein the Fault is no video signal) when an output voltage from the difference voltage detection circuit deviates from a reference value is anticipated.

6. Claims 1-2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Stich (4659973).

Stich anticipates a resolver (see Figure 1, item 14) comprising a rotor, a stator, an excitation winding (16) and an output winding (18), characterized in that an output terminal (19) is provided at a middle point between opposite end terminals of the output winding; as recited in claim 1.

Stich anticipates a resolver (see Figure 1, item 14) comprising a rotor, a stator, an excitation winding (16) and an output winding (18), the excitation winding and the output winding being wound around the identical pole (the only dual vertical line shown in rotary transformer 14) of the stator, characterized in that an output terminal (19) is

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provided at a middle point between opposite end terminals of the output winding; as recited in claim 2.

As to claim 6, the excitation winding and the output winding being wound around the identical pole (the only dual vertical line shown in rotary transformer 14) of the stator is anticipated.

7. Claims 1, 2 and 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Bowie (4342952).

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

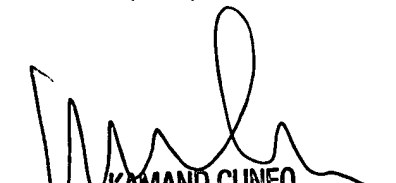
Ellison (3593337) shows a rotatable stator having an excitation winding and an output winding.

9. A shortened statutory period for response to this action is set to expire three month(s) from the date of this letter. Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kobert whose telephone number is (703) 308-5222. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Russell M. Kobert
Patent Examiner
Group Art Unit 2829
June 23, 2003



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